

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 1890 OF 2007(Y)

PETITIONER:

THE MANAGING PARTNER,
RAM RENI TRANSPORTS, M.G. ROAD, THRISSUR.

BY ADV. SRI.SAJEEV KUMAR K.GOPAL

RESPONDENTS:

1. REGIONAL TRANSPORT AUTHORITY,
PALAKKAD REPRESENTED BY ITS SECRETARY.
2. THE SECRETARY, R.T.A., PALAKKAD.
3. SRI.PADMANUNNI, S/O.GANGADHARAN NAIR,
SANTHOSH SADAN, PALLASANA, CHITTUR,
PALAKKAD DISTRICT.

GOVT. PLEADER SRI. M.A. FAYAZ.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17.1.2007, THE COURT ON 22/01/2007, DELIVERED THE FOLLOWING:

P.R. RAMAN, J.

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W.P.(C) NO. 1890 OF 2007

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DATED THIS, THE 22ND DAY OF JANUARY, 2007

J U D G M E N T

The limited prayer made in this writ petition is for issuance of a writ of certiorari to quash Ext.P1 and to declare the variation granted as per Ext. P1 is illegal.

2. According to the petitioner, no reasons are stated while allowing variation of the regular permit as held by this Court in **Prasad v. RTA (2005(2) KLT 227)**. It is also contended that in such circumstances, an alternate remedy may not be a bar for entertaining the writ petition.

3. Heard. It is true that an alternate remedy by itself may not be a bar for invoking the jurisdiction under Article 226 of the Constitution of India. But at the same time, it is a settled position that this court, while exercising the discretionary remedy under Article 226 of the Constitution, will not be justified in interfering with an order, in case there is an effective alternate remedy available by way of self imposed restrictions. Petitioner, if he is an existing operator, will not be affected by the variation granted as per Ext.P1, but will be affected only if it overlaps the timings of his service.

Therefore, the real grievance will be only while timings are settled. Now only a grant has been made subject to settlement of timings. Petitioner can very well raise his objections at the time of settling the times. In such circumstances, I do not find that this is a fit case where any interference is called for at this stage.

Leaving open the right of the petitioner as aforesaid, this writ petition is dismissed.

**P.R. RAMAN,
JUDGE.**

knc/-